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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-336

13 **ELIZABETH CASAS**  
14 **5568 Mitchell Avenue**  
15 **Riverside, CA 92505**

**ACCUSATION**

16 **Registered Nurse License No. 600301**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing.

23 2. On or about June 10, 2002, the Board of Registered Nursing (Board) issued  
24 Registered Nurse License Number 600301 to Elizabeth Casas (Respondent). The Registered  
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on September 30, 2011, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

....

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in

1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
5 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
6 or the possession of, or falsification of a record pertaining to, the substances described in  
7 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
8 thereof.

9 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of  
10 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this  
11 section, in which event the court order of commitment or confinement is prima facie evidence of  
12 such commitment or confinement.

13 . . . .

14 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
15 revoke a license on the ground that the licensee has been convicted of a crime substantially  
16 related to the qualifications, functions, or duties of the business or profession for which the  
17 license was issued.

18 9. Section 493 of the Code states:

19 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
20 the department pursuant to law to deny an application for a license or to suspend or revoke a  
21 license or otherwise take disciplinary action against a person who holds a license, upon the  
22 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
23 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
24 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
25 and the board may inquire into the circumstances surrounding the commission of the crime in  
26 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
27 qualifications, functions, and duties of the licensee in question.

1 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
2 'registration.'"

3 10. California Code of Regulations, title 16, section 1444, states:

4 "A conviction or act shall be considered to be substantially related to the qualifications,  
5 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
6 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
7 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

8 . . . .

9 11. California Code of Regulations, title 16, section 1445 states:

10 . . . .

11 (b) When considering the suspension or revocation of a license on the grounds that a  
12 registered nurse has been convicted of a crime, the board, in evaluating the  
13 rehabilitation of such person and his/her eligibility for a license will consider the  
14 following criteria:

15 (1) Nature and severity of the act(s) or offense(s).

16 (2) Total criminal record.

17 (3) The time that has elapsed since commission of the act(s) or offense(s).

18 (4) Whether the licensee has complied with any terms of parole, probation,  
19 restitution or any other sanctions lawfully imposed against the licensee.

20 (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4  
21 of the Penal Code.

22 (6) Evidence, if any, of rehabilitation submitted by the licensee.

23 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licensee found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (January 14, 2005 Criminal Conviction for DUI Arrest on September 25, 2004)

3 13. Respondent is subject to disciplinary action under section 2761(f) and 490 for her  
4 criminal conviction for driving under the influence of alcohol, which is substantially related to her  
5 qualifications, functions and duties as a registered nurse. The circumstances are as follows:

6 14. On or about September 25, 2004, Respondent did unlawfully, while under the  
7 influence of alcohol drive a motor vehicle in violation of Vehicle Code section 23152,  
8 subdivision (a) and (b).

9 15. On or about January 14, 2005, in the Superior Court of California, County of Orange,  
10 in the case entitled, *People of the State of California v. Elizabeth Benavides Casas*, Case No.  
11 04HM09499, Respondent pled guilty to violating Vehicle Code section 23152(a) and (b) and  
12 12500 (driving without a valid driver's license).

13 16. On or about January 14, 2005, Respondent was sentenced to a conditional release,  
14 three years probation, 90 day restricted license, pay fines and penalties, and ordered to not drive a  
15 motor vehicle with a measurable amount of alcohol and to complete a Mothers Against Drunk  
16 Driving Impact Panel.

17 SECOND CAUSE FOR DISCIPLINE

18 (February 11, 2008 Criminal Conviction for October 20, 2007 DUI Arrest)

19 17. Respondent is subject to disciplinary action under section 2761(f) and 490 for her  
20 criminal conviction for driving under the influence of alcohol, which is substantially related to her  
21 qualifications, functions and duties as a registered nurse. The circumstances are as follows:

22 18. On or about October 20, 2007, while still on probation for her prior DUI conviction,  
23 Respondent did unlawfully, while under the influence of alcohol drive a motor vehicle in  
24 violation of Vehicle Code section 23152, subdivision (a) and (b).

25 19. On or about February 11, 2008, in the Superior Court of California, County of  
26 Riverside, in the case entitled, *People of the State of California v. Elizabeth Benavides Casas*,  
27 Case No. RM507321, Respondent pled guilty to violating Vehicle Code section 23152(a) and (b).

20. On February 11, 2008, Respondent was sentenced to four years probation, 15 days in jail, pay fines and penalties, and ordered to not drive a motor vehicle with a measurable amount of alcohol and to complete the second offender drinking program.

### THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct-2005 DUI Conviction-Alcohol Consumption)

21. Respondent is subject to disciplinary action under Code section 2761(a), on the grounds of unprofessional conduct, as defined in Code section 2762(c), in that Respondent was convicted of DUI which involves the consumption of alcohol in a manner dangerous or injurious to self or others, as set forth above.

#### FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct-2008 DUI Conviction-Alcohol Consumption)

22. Respondent is subject to disciplinary action under Code section 2761(a), on the grounds of unprofessional conduct, as defined in Code section 2762(c), in that Respondent was convicted of DUI which involves the consumption of alcohol in a manner dangerous or injurious to self or others, as set forth above.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 600301, issued to Elizabeth Casas Elizabeth Casas.

2. Ordering Elizabeth Casas to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED:

1/14/10

*Louise R. Bailey*

LOUISE R. BAILEY, M.ED., R.N.  
Interim Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

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